

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 13-CR-0164 (PJS/LIB)

Plaintiff,

v.

ORDER

MARK ALLEN GARCIA and
PATRICIA ANN MCQUARRY,

Defendants.

This matter is before the Court on the defendant Mark Allen Garcia's motion to continue the trial and exclude time under the Speedy Trial Act. ECF No. 134. The defendant's counsel requests additional time to investigate the case and prepare for trial, and seeks a trial date after January 1, 2014. The government does not intend to respond to the motion, and it is in the interest of the public, as well as the defendant, that he receive an adequate defense.

The Court finds that failure to exclude time to allow for additional consultation and trial preparation in this case, which taken as a whole is not so unusual or complex as to fall within 18 U.S.C. § 3161(h)(7)(B)(ii), would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore finds that the ends of justice served by continuing the trial date outweigh the interest of the public and the defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Defendant's motion is granted.

Based upon all the files, records, and proceedings herein, IT IS ORDERED that:

1. Defendant's motion to continue the trial and exclude time under the Speedy Trial Act [ECF No. 134] is GRANTED.
2. This case is scheduled for trial on January 28, 2014 at 9:00 a.m. in Courtroom 14E,

Minneapolis, before Judge Patrick J. Schiltz.

3. A status conference will be held on January 24, 2014, at 9:00 a.m. in Courtroom 14E, Minneapolis, before Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.
4. Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Judge Schiltz's chambers by 4:00 p.m. on January 17, 2014. Responses to trial-related motions (including motions in limine) must be submitted by 4:00 p.m. on January 21, 2014.
5. The time from the date of the filing of the defendant's motion (November 8, 2013) until January 28, 2014 shall be excluded from the calculation of days within which trial must commence pursuant to 18 U.S.C. § 3161(h)(7)(A).

Dated: November 13, 2013

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge